

# **Indiana Department of Environmental Management**

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*(Text does not include verbatim comments)*

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Thank you Pam. It's an honor and a pleasure to join all of you today and to be in the company of so many colleagues from the United States, as well as Canada, who dedicate themselves day in and day out to protecting our environment.

I welcome all attending this Midwest Environmental Enforcement Association meeting to Indianapolis and Indiana and I hope you will find this meeting useful so that you may return home with new insights, tips and tools to help you apply and enforce the myriad of state, provincial and federal environmental rules and regulations. We all have tough jobs in this business but your jobs as enforcers are perhaps the toughest.

People in my state and throughout our two countries too often perceive government as an obstacle to overcome, not a partner in what they do. The phrase "I'm from the government and I'm here to help", is perceived more as an oxymoron and something to laugh at, than reality. One of our biggest challenges is to work on reversing how our customers, both voluntary and involuntary customers, think of us: to shift the paradigm from "obstacle" back to "public servant."

Our job is to demonstrate to those we serve that we really are there to help them accomplish their goals but in a way that protects the environment which, in turn, protects, nurtures and adds to the quality of life for all of us.

As enforcers of those "dreaded" environmental rules and regulations, a field strewn with land mines if ever there was one, you are on the front line convincing the public that we ARE there to help them.

How do we do this? Meetings and organization such as this one are an integral component.

Before I begin my remarks, I'd like to tell you a story I heard the other day.

A man walked into a mini-mart, put a twenty dollar bill on the counter and asked for change. When the clerk opened the cash drawer, the man pulled out a gun and asked for all the cash in the register, which the clerk promptly provided. The man took the cash from the clerk and quickly fled, leaving the twenty dollar bill on the counter. The amount of cash he got from the drawer? - Fifteen dollars! The moral to this story is that you should always strive to get back more than you invest!

Indiana has most certainly received a tenfold return on its investment in MEEA. As you know, this is a milestone MEEA Conference - the Fiftieth - and when you stop and think about it, that is very significant. This organization had a humble, yet powerful, beginning.

A handful of dedicated environmental professionals seeking to collectively learn and share together planted the seed of what is now a vital and effective organization. And I'm proud to say that two of these early, dedicated people are currently with IDEM and are in attendance at this conference. They are Mary Ann Habeeb from our Office of Legal Counsel, who has been involved since 1984 when she was with the Indiana Attorney General's Office. Mary Ann was MEEA Chair in 1992. And Jim Lynch from our Office of Criminal Investigations, one of the investigators of the then fledgling association and who first became involved while with the Indiana State Police. This early and continuing involvement (as evidenced by MEEA's current chair being from Indiana as well) demonstrates Indiana's support of the association and the important role it plays in the work that we all do.

The enforcement training courses, the RAIN system, the training conferences and the networking opportunities provided by MEEA serve to enhance and strengthen our enforcement activities in countless ways. These types of supporting activities are going to be more important than ever in the coming months and years.

As commissioner of IDEM, I am a member of the ECOS and I recently attended its fall conference. During that conference, and in recent articles written by various ECOS members, the roles of both the EPA and the states in relation to enforcement activities have become the subject of much discussion.

As quoted in an ECOS publication: "Through delegated federal programs and state-developed programs, states issue most of the permits, initiate most of the enforcement and compliance actions and develop many of the innovative ideas for dealing with environmental issues."

R. Steven Brown, in his article titled "The States Protect the Environment," stated that "A remarkable, and largely unnoticed, change in environmental protection has occurred over the past five to 10 years. The states have become the primary environmental protection agencies across the nation. . . . Over the past year, with help from other state-based organizations . . . , ECOS compiled a set of data that shows a remarkable maturation of the policymaking and regulatory capabilities of the state environmental agencies. . . . States are the primary enforcers of environmental law for delegated programs. The states also enforce many state environmental laws that are not related to the national laws." This statement illustrates how environmental enforcement has evolved since the creation of the four regional associations and why it's more important than ever to have an effective training, communication and networking mechanism for the sharing of information between and among the states.

Just as the states have matured and expanded their enforcement capabilities, so, too, have the environmental criminals changed their personas and the types of environmental crimes they commit. Gone are the days of the midnight dumpers - well, at least there a heck of a lot less midnight dumpers! The environmental criminal of the '90s is more often found wearing a white collar, is much less visible, and much more challenging to prosecute. Don't get me wrong, the

less-sophisticated criminal is still out there . . . but their numbers have been dwindling as a result of early, aggressive enforcement efforts.

Unfortunately, we don't have criminals that call us and turn themselves in, like the man who successfully broke into a bank's basement through a street-level window, cutting himself badly in the process. After breaking into the bank, he realized that he could not get to the money from where he was and he could not climb back out the window through which he had entered. So, because he was bleeding so badly, he found a phone and dialed "911" for help!

That's why it's so critical to have an organization such as MEEA, and its sister associations, which provide that vital information link between the state environmental agencies. We can do more together than alone, generating new ideas and approaches and sharing resources that culminate in the most effective enforcement results possible.

Let me give you a couple of examples which occurred recently within my own agency to illustrate my point. In the first example, a company found to be in violation of our hazardous waste rules was issued an administrative enforcement action. During development of the case, the enforcement case manager contacted her colleagues in Alabama and Pennsylvania. The names of the contacts were obtained from the Southern Environmental Enforcement Network and Northeast Environmental Enforcement Project directories. The information gained during these telephone conversations enabled the case manager to negotiate an agreement that contained terms similar to the ones the company had agreed to in Alabama.

In another example, communication between staff from our Offices of Enforcement and Criminal Investigation with their colleague Jesse Skees of the Kentucky Natural Resources and Environmental Protection Cabinet allowed us to locate an elusive, illegal operator of a hazardous waste disposal facility.

These are only two of the many instances in which MEEA has helped us to ensure that we are using our resources in the most efficient and effective way possible. This combined effort by the states and the association's staff exemplifies the basic premise upon which the associations are based. Which explains why I was thrilled when I heard that the associations have again been funded, as you heard this morning.

I would like to personally thank Kim Krautheim and Jim Triner of MEEA for their tireless efforts in support of the states and helping to ensure that the important work of the association continues. In addition, I'd like to thank all of you for your attendance, and helping to ensure the success of the conference. From the looks of the agenda, the next three days are going to be busy but enjoyable ones.

Thank you. It's nice to join all of you today and to be in the company of so many other public servants from Canada and the United States who dedicate themselves day in and day out to protecting our environment. Have a good meeting.